STATE	OF	NORTH	CAROLIN	JΔ
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# IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO.: 11 CVS

### **WAKE COUNTY**

THE NORTH CAROLINA STATE BAR.

Petitioner

v.

CONSENT ORDER OF PRELIMINARY INJUNCTION

SAMEKA BATTLE BENNERMAN, Attorney,

Respondent

THIS MATTER came on for consideration by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by Jennifer A. Porter. Respondent, Sameka Battle Bennerman, appeared *pro se*. Based upon the consent of the parties, the Court makes the following:

#### FINDINGS OF FACT

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- 1. Respondent, Sameka Battle Bennerman ("Bennerman"), was licensed to practice law in North Carolina in 2006.
- 2. The State Bar's membership database shows the following address for Bennerman: P.O. Box 6735, Rocky Mount, NC 27802.
- 3. Bennerman maintains an attorney trust account and an operating account in the course of her law practice.
- 4. The State Bar has received evidence that Bennerman did not properly maintain and handle entrusted funds, including evidence that Bennerman deposited entrusted funds into her operating account.
  - 5. Bennerman desires to cooperate with the State Bar.
- 6. A need for prompt action exists to ensure that further entrusted funds are not mishandled.

Based upon the foregoing Findings of Fact, the Court makes the following

#### CONCLUSIONS OF LAW

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo and to ensure that no entrusted or fiduciary funds are mishandled.

- 2. Bennerman should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.
- 3. To assist the State Bar's analysis of her trust and operating accounts and her handling of entrusted funds, Bennerman should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited as requested by the State Bar.

## THEREFORE, IT IS HEREBY ORDERED:

- 1. Sameka Battle Bennerman is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the Court.
- 2. Bennerman is enjoined from serving in any fiduciary capacity, including trustee, escrow agent, settlement agent, personal representative, executor or attorney-infact, until further order of this Court.
- 3. Bennerman or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall produce to the North Carolina State Bar for inspection and copying all of Bennerman's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.
- 4. Bennerman or any other person having custody or control of records relating to any account into which mishandled client or fiduciary funds have been deposited shall produce to the North Carolina State Bar for inspection and copying all of Bennerman's financial records relating to any account into which mishandled client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.
- 5. Bennerman or any other person having custody or control over records relating to individuals for whom she has provided legal or fiduciary services shall produce to the North Carolina State Bar for inspection and copying all records and

documents including but not limited to client files, billing statements, memoranda and receipts, as requested by the State Bar. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

- 6. If Bennerman does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, she shall direct the bank(s) where her bank account(s) are maintained, within 10 days of the date of any State Bar request, to copy and transmit any such missing records directly to the North Carolina State Bar at Bennerman's expense.
- 7. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the $\frac{1}{3}$	day of	July	, 2011.
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Superior Court Judge, Presiding

WE CONSENT:

Jennifer A. Porter Deputy Counsel

Attorney for Petitioner

Sameka Battle Bennerman Respondent

No. 7915

documents including but not limited to client files, billing statements, memoranda and receipts, as requested by the State Bar. Current client files shall be produced within 24 honrs of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

- If Bennerman does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule I.15-3 of the Rules of Professional Conduct, she shall direct the bank(s) where her bank account(s) are maintained, within 10 days of the date of any State Bar request, to copy and transmit any such missing records directly to the North Carolina State Bar at Bennerman's expense.
- This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the	day of	
		2011.

Superior Court Judge, Presiding

WE CONSENT:

Jennifer A. Porter Deputy Counsel Attorney for Petitioner

Respondent